

PUBLIC MEETING
May 28, 2002

Vice-Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioner Loendorf was present. Commissioner Murray was absent attending a meeting in Great Falls. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Jerry Grebenc, Frank Rives, Julie Davis, Julie McDermott, Gary Dorcheus, Mary Hallauer, Carole Sandin, Jess Cleary, Leanne Novak, Pat Novak, Chris Ries, Robert Werner, Linda Lowry, Spencer Russell, and Carole Byrnes.

Commissioner Varone announced she has another meeting at 10:00 a.m. If the agenda is not completed this morning, the meeting will be continued to 3:00 p.m.

Pledge of Allegiance. Everyone recited the pledge.

Resolution to Increase in Landfill Tipping Fees (re-advertised to correct effective date). Ron Alles reported that public hearings have been conducted. This notice has been re-advertised to correct the effective date of the increase to July 1, 2002 instead of 2003. Staff recommended approval of the resolution. Commissioner Loendorf moved to approve the resolution and authorized the Vice-Chair to sign. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat, Lazy JC Acres Minor. The applicant proposes to create five lots, each for one single-family dwelling. The proposal is located west of Green Meadow Drive and north of John G Mine Road. Frank Rives reported that the applicant has requested that the public hearing be postponed to June 11, 2002 and extend the review period to June 14, 2002 to allow all three Commissioners to be present.

The public hearing will remain open to allow public comment today or they may choose to wait and comment on June 11. Commissioner Loendorf moved to table this item to June 11 and extend the review period to June 14 with the Commission rendering a decision June 13. Commissioner Varone seconded the motion and it carried 2-0.

Julie McDermott, 7108 Antelope Way. Mrs. McDermott stated the road is her concern. The road is behind her fenced backyard and the increase in traffic causes a lot of dust. A grader damaged her fence and no one has returned to repair it. Other concerns are flooding because the natural drainage coulees have been filled in without any culverts and will the additional wells affect her water?

Julie Davis, 7104 Antelope Way. Mrs. Davis stated the road is directly behind her yard. The road creates a lot of dust, which is not good for her husband's terminal respiratory health problems and she cannot afford to construct a privacy fence. She believes the ground's vibration has caused the drain line to collapse causing her basement to flood. There is no emergency access; and the natural drainage ditches have been filled in and

it will wash out onto her property. The culvert on John G Mine Road is too small to hold drainage.

Mary Hallauer, 7112 Antelope Way. Ms. Hallauer's concern is the water issue because some neighbors have lost their water. She asked if the water situation has been assessed; the neighbors should have been notified sooner; and the proposal is being built prior to approval.

Ron Alles stated staff can explain the subdivision review process after the meeting. No subdivision can be built prior to BoCC approval.

Hearing no other comments, the public hearing will remain open and continued to June 11, 2002 at 9:00 a.m.

Commissioner Varone referred to page 3 of the staff report which states "the subject property is located in the southern portion of the proposed North Hills Controlled Groundwater Study Area and the applicant will be required to conduct a 24-hour pump test to determine if the water supply is adequate in terms of quantity and dependability."

Frank Rives stated Mr. Christison had tract A and tract B. This development has occurred He did a boundary line relocation which created tract B-1. Currently, the applicant has one development right per parcel and he is in compliance. The boundary line relocation reserved the existing easement. Although the road does meet county standards and needs to be upgraded, the road is where it should be. .

By consensus, the Commission agreed to carryover today's testimony to June 11.

Proposed Minor Subdivision, Preliminary Plat, Holmberg Village Estates Lot 5-4 Amended Minor. The applicant proposes to convert a four-plex to four condominium units for single-family residence. The proposal is located north of and adjacent to Canyon Ferry Road, east of and adjacent to Holmberg Drive. The applicant, Spencer Russell, was present and indicated his willingness to proceed. Jerry Grebenc presented the staff report. This proposal is subject to review because condominium units are a transferable property right. The conversion to a four-condominium unit would not change the cumulative impacts that were anticipated from the four-plex. The creation of the condominium units does require filing a declaration with the clerk and recorder's office as required under the Unit Ownership Act. Comments from the Lakeside FSA stated because the condominium units will share common walls, all fire safety and sprinkler measures and conditions previously required and agreed to for the multi-family units should remain in place and unaltered for the condominium units. Staff recommended approval of the conversion to four condominium units subject to 3 conditions and possibly some discussion on the sprinkler issue. The fire protection plan required that multi-family dwellings be equipped with a sprinkler system.

Spencer Russell, 39A Cloverview Drive. Mr. Russell stated he would like to convert the units into condominium units. This conversion would benefit the subdivision. He

believes it is unnecessary that a sprinkler system be installed for each unit because each unit will be protected by a fire barrier.

Commissioner Varone disagreed with the request of the Lakeside VFSA because the county has no fire regulations in place at this time.

Commissioner Loendorf agreed with the sprinkler system requirement of the Lakeside VFSA.

Hearing no public comments, this portion of the hearing is closed. Commissioner Loendorf moved to approve the proposal subject to 3 conditions as recommended by staff. Commissioner Varone seconded the motion and it carried 2-0.

Jerry Grebenc stated the applicant would need to request a modification of the conditions of approval to remove the sprinkler system requirement.

Proposed Minor Subdivision, Preliminary Plat, Whiterock Minor. The applicants propose to create five lots, each for one single-family dwelling with lot A5 as agricultural use. The proposal is generally located east of Valley Drive and south of and adjacent to White Rock Road. The applicants, Pat Say and Leanne Novak, were present and indicated their willingness to proceed. Frank Rives reported that the property is adjacent to the Helena Irrigation District ditch. The property would be assessed a fee to delivery water to individual tracts. The irrigation easement cannot be used for access and is off limits to the landowners. The property does have a fence along the irrigation easement. The applicants have requested a variance from county standards to permit a 250 foot driveway on Lot 5A. Staff recommended approval of the proposal subject to 16 conditions as outlined in the staff report.

Commissioner Varone moved to open the public hearing and then table further discussion to 3:00 this afternoon. Commissioner Loendorf seconded the motion and it carried 2-0.

Robert Werner, 3410 White Rock Road. Mr. Werner's concerns include how the proposal will be developed considering the exceptions to the property that already exist; a house that is not in the proposal that is using access to the proposed road; lot 4A does not have enough access off White Rock Road to make a driveway. He proposes an internal road as opposed to making 4 accesses off White Rock Road which will benefit future development for the property.

Gary Dorcheus, 3475 White Rock Road. Mr. Dorcheus' concern is that each property subdivided be accessed instead of one access. He also requested a staff report to review the well and water conditions.

Jess Cleary, 3320 White Rock Road. Mr. Cleary asked if this proposal will come down White Rock Road? When he purchased his property, he understood that the road would end at the cul-de-sac.

Frank Rives stated all five lots would access White Rock Road. Lot B5 would be accessed from a driveway. Mr. Rives will meet with Mr. Cleary after this meeting to discuss his other concerns.

Continued to 3:00 p.m. this afternoon.

Consideration of a Resolution Levying and Assessing a Special Assessment on Property within the Harris Subdivision and Harris Subdivision No. 2 Rural Improvement District No. 1994-7. Continued to 3:00 p.m. this afternoon.

The Commissioners recessed at 9:50 a.m. and will reconvene at 3:00 p.m.

Chairman Mike Murray reconvened the public meeting at 3:00 p.m. All three Commissioners were present.

Proposed Minor Subdivision, Preliminary Plat, White Rock Minor. (cont. from 9:00 a.m.) The applicants, Pat Say and Leanne Novak, were present. Frank Rives further reported that access to the lots is via Valley Drive connecting to White Rock Road. Lot A5 would access White Rock Road via an existing driveway. The proposal is a 20-acre tract with a mobile home and several outbuildings. The property is surrounded by an electric sheep fence. The property is not located within a special zoning district and no zoning regulations apply. There are no covenants that presently affect the property. Mr. Werner, who testified earlier, submitted a revised letter and site plan. An irrigation ditch borders the eastern edge of the property. The Helena Valley Irrigation District stated the property will be assessed fees but it appears impractical to deliver water to the individual lots due to the 'drop' structure. The irrigation easement cannot be used for access and is off limit to landowners. Legal and physical access to the lots is White Rock Road. The applicants have requested a variance for the driveway definition. If the BoCC approves the variance they would not be required to construct an internal access road to access lot A5. The property is not currently part of the White Rock Road RID but a rate hearing is scheduled after this hearing to include the subject property in the RID. Prior to any development or soil disturbance, the applicant would be required to submit a five-year weed management plan. The Spokane Bench Fault is located approximately 1 mile each of the subject property. A storm water drainage plan would be required to insure that runoff in excess of historic volumes of storm water is retained on site. Staff recommended approval of the proposal subject to 16 conditions as outlined in the staff report.

Prior to rendering a decision, Commissioner Varone asked staff to obtain fire protection information from the East Valley Volunteer Fire Department, and a copy of the letter from the Conservation District attorney stating the district does not support fences around the irrigation canal.

Frank Rives stated the East Valley Volunteer Fire Department is requiring a \$200 per lot fee.

Leanne Novak stated the mobile home has been in place since 1992, and the driveway is on private property.

Jess Cleary, 3320 White Rock Road. Mr. Cleary asked if homes would be built on lot A5?

Commissioner Murray stated that further development would need to go through subdivision review, other than the one development for the existing trailer home.

Gary Dorcheus, 3475 White Rock Road. Mr. Dorcheus stated because there are no covenants associated with this property, he is concerned about the value of the property.

Sharon Haugen stated covenants are not statutory requirements of county subdivision regulations.

Hearing no other comments, the public hearing is closed.

Leanne Novak stated she is willing to put covenants on the property, but they are unknown at this time.

Frank Rives stated this parcel is not included in the White Rock Road RID, but will be part of the rate hearing later today.

Commissioner Loendorf moved that the Commission render a final decision Thursday, May 30.

To allow additional time to receive the fire plan information and the letter from the Conservation District attorney, Commission Varone offered a substitute motion to render a decision on Thursday, June 4, 2002 at 9:00 a.m. Commissioner Loendorf seconded the motion to render a final decision June 4, 2002 and it carried unanimously.

Consideration of a Resolution Levying and Assessing a Special Assessment on Property within the Harris Subdivision and Harris Subdivision No. 2 Rural Improvement District No. 1994-7. (cont. from 9:00 a.m.) Sharon Haugen reported that the proposed resolution is to increase the maintenance assessment rate for the Harris RID from \$60 to \$120 per lot, and to annex Tract A that is currently using White Rock Road because it is a benefiting property.

Gary Dorcheus, 3474 White Rock Road. The HOA felt the increase would allow the Association to continue to maintain the road and to do more effective road improvements.

Jess Cleary. Mr. Harris built White Rock Road through the original 20 acres. The county never assessed Harris 2 after it was developed. Mr. Cleary opposes this increase because the residents of Harris 1 have already paid for this road through their

original purchase price of the lot.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to render a final decision on June 4. Commissioner Loendorf seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 3:50 p.m.